

District V Advisory Board Minutes

May 6, 2002

www.wichitagov.org

The District V Advisory Board meeting was held at 7:00 p.m. at the Auburn Hills Golf Course Clubhouse at 335 S. 135th Street West. In attendance were the District V City Council Member, nine (10) District Advisory Board Members including one (1) youth member, nine (7) City staff, and approximately eighteen (18) citizens of which twelve (12) signed the signup sheet.

Members Present

David Almes
Bob Bulman
David Dennis
Maurice Ediger
Andy Johnson
Bob Sorenson
Christina Kostelecky
Margarita Farelle-Hunt
Teresa Schmidt
Bob Sorenson
Council Member Bob Martz

Members Absent

Sean Cash
Amy Garcia
Fran Hoggatt
Brendon Groves

Staff Present

Jim Armour, Public Works
Marvin Krout, Planning
Daniel Nguyen, Planning
Jack Brown, Environmental Health
Kay Johnson, Environmental Health
Officer Jeff Wieble, Police
Officer Robert Ahsens, Police
Dana Brown, City Manager's Office

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:04. **Council Member Martz** explained the purpose of the District Advisory Board as advisory to him as the Council Member for City Council District V. He also said that the voting was limited to the Board Members only and that his opportunity to vote on issues would be restricted to the City Council Meetings. He acknowledged that many issues come before the Board that are emotional to members of the public but he asked that appropriate behavior be maintained at the meeting and that each individual speak only when acknowledged during the process.

Approval of Minutes

The minutes for April 8, 2002 were approved 7-0 with changes to the attendance shown for Board Members (**Bulman/Johnson**).

Approval of Agenda

The agenda for May 6, 2002 was approved.

Public Agenda

1. Scheduled Agenda Items

No items were scheduled for presentation.

2. Off-Agenda Items

George Walta, 10630 Carr Lane, presented one off-agenda item. Walta reported that Carr Street was now paved. Walta was the first citizen to present a Public Agenda item to DAB V in April 2002 when he expressed the desire to have the second half of Carr Street paved. An innovative approach was utilized as proposed by the DAB—residents asked adjacent business owners and they agreed to share the cost due to their employees' use of the street. This action reduced the cost of all residents assessed for the cost of paving.

The DAB Members thanked Walta for coming to report completion of the paving and for his persistence in accomplishing the project.

No action necessary.

Public Works

3. Bike Path on 21st Street North between Ridge and Maize Roads

Tim Austin, Austin-Miller Engineering, and Jim Armour, Public Works, presented proposal information for constructing a ten-foot wide bike path along the north side of 21st Street North, between Ridge and Maize Roads. Austin reported that the Austin presented details on construction, crossings, bridges, etc. Armour spoke regarding issues with homeowner associations of Reflection Ridge, Sterling Farms, and Chatsworth, and the commercial area of Dillon's.

Some members of the public expressed concerns. **Andy Stallard and Claudia Tritabaugh, Board Members of the Sterling Farms Homeowners Association**, located on the north side of 21st Street between Tyler and Maize Roads, noted several concerns associated with the bike path that may impact their commons area. They identified possible issues of increased maintenance responsibilities/expense for edging the path; possible damage to existing sprinkler heads; interference with the use of a lake well at their bridge; and increased access into the association's private walkway.

Stallard expressed concern for safety associated with how the bicyclists might be at risk from cars speeding on Keith Street but hidden by parked cars whose drivers are at the lake area. **Council Member Martz** asked staff to request that Traffic Engineering review the area.

In addition, **Jana Hildebrandt, a representative of the First Mennonite Brethren Church** located on the north side 21st Street between Tyler and Ridge, expressed concern for how the bike path might impact their property. She asked that the church be kept informed.

Although **Armour** addressed several of the identified concerns, **Council Member Martz** asked the residents to send a written list of their issues in order for the City to provide a written response.

DAB Members asked about plans to connect to this proposed bike path and existing paths including Zoo Boulevard to 21st and Maize to 119th. **Armour** explained that these areas would both have bike paths in the near future, pending completion of other projects in those areas. **Ediger** asked if the Zoo Boulevard path would connect with the one that crosses the Big Ditch from the east side; **Armour** said it would and that an engineering firm had been hired by the City for this project. **Bulman** asked if the bike path would continue to 119th for connection with the bike path in that area. **Armour** said that a sanitary sewer project would first be completed at Maize and 21st and the paths would then be connected.

Bulman (Schmidt) moved to recommend approval for the bike path proposal with the condition of resolving citizens concerns. Motion passed 8-0.

Action: Board recommended approval with the condition that citizens' concerns are resolved.

Planning

4. Zone Change Request – ZON 2002-00016

Marvin Krout, Planning Department Director, presented a request to change zoning from “SF-5” Single Family Residential to “NO,” Neighborhood Office with a “PO” Protective Overlay at the location of 1930 N. Maize Road, southeast of 21st Street N. and Maize Road intersection, to construct an neighborhood insurance office.

Krout provided background information on the requested zone change explaining that the corner lot has been difficult to market as residential with the close proximity to an arterial street, Maize Road. He noted that lots such as this one that have been vacant for a number of years are typically viewed as more favorable for a zone change in order to develop the property. The conditions of the request include no traffic impact and construction style compatible with the residential area. **Krout** stated that the Metropolitan Area Planning Commission (MAPC) had previously reviewed the case and heard no opposition; therefore, a unanimous vote approved the change request.

DAB Members Sorenson and Bulman asked questions regarding fencing of the property including typical/appropriate height and materials, especially for properties adjacent to homeowner association subdivisions that have covenants that could be followed for better congruence with the residential area. **Krout** said that six-feet is adequate for this project. **Bulman** asked if materials other than cedar could be required but **Krout** said that cedar is standard and without the applicant in attendance, it would be difficult to explore other materials except composite. He said that masonry is not typical unless an expensive project is planned for which masonry would be compatible. **Bulman** asked that a separate City process to approve other types of fences be considered, noting that council districts such as District V typically have homeowner association covenants for specific types of fencing. **Bulman** said that it would enhance the appearance of area if businesses located in residential areas have the same type of fencing.

Terry Fish, 10306 Jamesburg, a property owner living south of the subject property, asked about the height of the proposed parking lot given the majority of the nearby homes have view-out basements. Fish also asked about impact on drainage. **Krout** said both issues would be addressed with the site plan. **Council Member Martz** also clarified that a drainage ordinance exists that should prevent any construction on a property from affecting the drainage of an adjacent developed property.

Fish asked how he could be kept notified when these issues are reviewed. **Krout** stated that he would note to keep Fish informed.

Johnson (Almes) moved to approve as presented. Motion passed 7:1 (Bulman).

Action: Recommended approval of the request and support for the previous action by the Metropolitan Area Planning Commission (MAPC) by a vote of 7:1.

Staff Presentations

5. Planning Process

Marvin Krout, Planning Department Director, presented an overview of the zoning and subdivision process and issues. He explained that planning pertains to the planned use of land, 80% of which is private property. The goal of planning is to encourage development that will not negatively impact the neighbors' properties. Development of land typically relates to one or more of the five use-categories: live, work, learn, shop, or retreat. Use is guided by marketing demand, community values, and a willingness to pay. Planning is governed by "due process," but the Kansas State Law and the City of Wichita ordinances actually go beyond what the due process law requires.

Krout presented a flow chart to explain the City-County zoning process. Noting the point of platting in the chart, he stated that the development must adhere to the requirements of platting. He explained that the development would not progress as requested, even with approval of Council, until the platting requirements including drainage are met.

The approval process for planning is a public process. Opportunity is provided for public input; the Metropolitan Area Planning Commission reviews and, if approved, the City Council or County Commission accepts by a majority vote. The Council or Commission can waive some things, like sidewalks.

Krout explained that several facets of development are addressed during the Subdivision Development. Drainage is typically an issue of concern for residents during the zoning request process but it is actually assessed as part of the subdivision plan. Other areas include street naming that includes necessary rules for effective emergency management services; traffic issues such as sidewalks, utility lines, and access management to consolidate driveways and control traffic; and the future of the area.

The Engineering staff in the Public Works Departments for the City and the County reviews and approves proposed drainage plans, explained Krout. Paving is required according to the use of the area to provide adequate drainage including none for farmland, 50% for residential, and 80-90% for office/commercial 0% paving- 50% - 80 to 90% (100 year plan). The need for drainage is based on the expectation of flooding once every 100 years. The most recent flooding ("Halloween flood") was the result of rain amounts more than the amounts expected every 100 years.

Krout further explained that areas of restriction in a Flood Plain include a *floodway* that cannot be encroached with development, and a *flood fringe* that cannot be filled (meaning development cannot cause the water to raise more than one foot). These are minimum Federal Emergency Management Agency (FEMA) requirements that are adhered to by the City of Wichita.

Dennis expressed several concerns regarding platting including filling a flood fringe. **Krout** responded that in that case the engineering assessment apparently did not reflect that development would worsen the drainage situation. He said that the most effective way to assess a situation is by through a study by watershed, basin, and etc.

Dennis replied that this process does not provide the citizens with an opportunity for input during the platting process. **Krout** stated that is correct because engineering expertise is required. **Dennis** then asked what he should tell citizens to which **Krout** explained that one structure won't cause flooding but multiple structures will. He said that an assessment requires looking at a number of factors such as metering for frequent storms, stream bank eroding, etc. He said that holding water back is not always helpful. Krout said the bottom line is that the engineers are responsible for assessments to meet the requirements of the 100-year flood. If residents are not comfortable with the engineering review, they should probably hire their own engineering firm.

Lou Sheets, 1249 Firefly, said that Hickory Creek is a problem. He stated that everybody knows about it, but nothing gets done. Sheets said that the drainage plans are not followed in the subdivision. **Krout** said that it's easier to identify who is non compliant in the newer developments and if adjacent residents are impacted, it is easier for them to take legal action, if they desire. **Council Member Martz** said that the City can't control every issue and citizens must decide if they want to take action regarding a civil issue.

Action: Receive and file.

6. Ark River Update

Jack Brown, Environmental Health Director, first introduced Kay Johnson as the department's newest staff member. He then presented information regarding the initiative to monitor and improve the Arkansas River beginning with the River Symposium in which ideas and common themes were generated. In support of the initiative, Brown said that Kansas Representative Todd Tiahrt was instrumental in helping the City obtain a total of \$2.3 million in federal funding to facilitate a \$300,000 study and a \$2 million Improvement Project, still to be determined. The Ark River Task Force was formed with direction from Council Members Fearey and Martz. The Task Force is divided into two

committees, the Advisory Committee that focuses on public awareness and the Technical Committee, which focuses on water quality. Both committees have appointments made by the two Council Members as well as staff liaisons.

Brown stated that river water samples have defined “hot spots” including source points of upstream sewer plants in Park City and Valley Center. The testing actually measures the sanitary quality of the water. The study is being conducted through support from three state universities. An analysis program is provided by Kansas State University to identify four categories of contamination sources including percentages from livestock, domestic animals, wild life, and humans (from broken sewer lines, septic systems, etc). Four Kansas University graduate students are doing the testing at a laboratory provided by Wichita State University.

Hunt asked if the river information could be provided at a multi-cultural event to which **Brown** said he could arrange for staff to present or exhibit, whichever is most appropriate for the event.

Sorenson asked how we should combat a negative perception of the river? **Brown** said that the public should be provided facts such as information regarding the water quality in the last 30 years. He noted that the water quality has been stable for the past ten years due to improved technology.

Council Member Martz said that a big part of this is the education process and determining what information the public needs. He spoke about how fortunate the City was to have Brown’s expertise in addressing the river quality—that Brown was nationally recognized and speaks regularly at environmental conferences across the nation.

Hunt said that the Hispanic community struggles with false perceptions about drinking water. She said she acts as a Water Department contact to help educate the community about the safety of the drinking water.

Bulman asked about whether concerns existed with the hog farm at 29th and Hoover and the potential impact from the farm on the river or ground water. **Brown** said that concerns existed about the facility’s impact and that a video of the river and such concerns had been turned over to the Kansas Department of Health and Environment for their evaluation.

Johnson asked if no more combined sewers would be allowed to which **Brown** said not by design. He said that some tap into the storm sewers without the City’s knowledge. The Water Department has located some and corrected the situation. **Johnson** asked whether open dumpsters without plugs contribute to water contamination, as shown in the past on television news. **Brown** said that source was not ever really proven and he couldn’t see it as a big issue.

Dennis said that he learned recently that the River Festival began at North High School in 1932 as the Water Festival. He said the Water Festival is still on going. **Brown** said that extra sampling was conducted by North High students to ensure sanitary conditions of the river at that location.

Action: Receive & file.

7. Community Police Report Newsletter

Police were required to leave earlier in the meeting and a newsletter was circulated from the officer in Beat 17, southwest portion of District V. **Council Member Martz** also talked about motorized scooters being driven on public property, such as parks and streets. He said that he planned to explore the situation more.

Action: Receive & file.

8. Neighborhood Matching Grants-

Council Member Martz asked if the members had received any inquiries about the grant and whether there was interest or issues that could be resolved through the program. Members indicated that they had not received questions but would make more effort to inform their neighborhoods more. Staff stated that the DAB needed to decide the process for awarding the grants, full board or a subcommittee. **Hunt** said that a subcommittee would be best. Staff said that the Board would also need to decide whether they wanted to meet previous to the regular meeting to review the applications, or at a separate time. **Council Member Martz** said he would still like to consider how traffic speed in the neighborhoods could be addressed. He also said that we might look into resurfacing tennis courts in some of the parks.

Action: No action taken.

9. Updates, Issues, and Reports

Council Member Martz said that a Public Information/Flood Control Update would be presented on Wednesday, June 5th. He said that the City would report on accomplishments and current and future projects. One issue being addressed is the FEMA maps being used by the agency are neither current nor accurate maps of the city. Congressional representatives contacted about this situation.

Dennis asked about the progress of construction at 119th and Central. **Council Member Martz** said he believed they were working on traffic counts. **Dennis** also commented on the tall grass and weeds at the Loesch house. Staff agreed to ask Environmental Health to check.

Council Member Martz reported on the traffic circles at Westport and Maize, saying the circles would be installed in early May. In addition, a funding request has been made to KDHE for left turn "bays."

Council Member Martz commented on the youth Board members and how much their meaningful their involvement has been for the DAB. He stated that he had truly appreciated the contribution that they had made. He asked staff to prepare certificates of appreciation with a letter and send copies of the letters to their respective schools.

Council Member Martz reported on several past issues. He said that the Central expansion is complete from Woodchuck and Tyler. Staff reported that police from the West Patrol was monitoring illegal parking on the sidewalk of the salvage yard issue on West Street. The fencing code is being reviewed again in regard to the metal hanging over the sidewalk.

Council Member Martz also reported that the Office of Central Inspection would be presenting the Unified Code before the Council. One of the hot issues now is the number of signs posted on utility poles or in the right of way.

Staff shared an e-mail with information from the Police regarding the accident rate at Northwest High School accidents. A parent had called with concerns and asked what alternatives she had for increasing safety. She had visited with the school and the City in regard to her concerns. School Resource Officers are working to educate students about high-risk driving.

Action: Receive & file.

10. Adjournment

With no other business, the meeting was adjourned at 9:40.

Respectfully Submitted,

Dana Brown, District V
Neighborhood Assistant

Guests

| | |
|--------------------|--|
| Kristina Richards | 2337 N. Keith Ct. |
| Claudia Tritabaugh | 2358 Bellwood Ct. |
| Andy Stallard | 9306 Britton Ct. |
| Wayne Bongartz | 2426 S. Denene |
| Betty Ludwig | 406 N. Jaax Ct. |
| George Walta | 10603 Carr |
| Jana Hildebrandt | First Mennonite Brethren Church, 8000 W. 21 st N. |
| Terry Fish | 10306 Jamesburg |
| Lou Sheets | 1249 Firefly |
| Oval W. Beck | 11427 May Ct. |
| Clete Dold | 218 S. Breezy Point Cir. |